

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

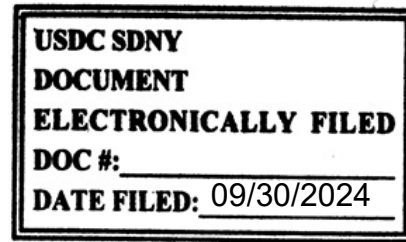
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RICHARD BREUINGER and ITGA, LLC,

Plaintiffs,

- against -

T. EDWARD WILLIAMS et al.,

Defendants.
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20-CV-7033 (JPC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Defendant Williams’ application for sanctions against Plaintiff for failure to produce financial documents. (Dkt. 280.) The Court held that request in abeyance pending inquiry into Plaintiff’s assertion that he could not access electronic documents on a laptop because he had forgotten the password. (See Dkt. 290.) The Court’s inquiry found that Plaintiff had not taken the reasonable step to look into obtaining technical assistance from a third-party to solve the password issue. After many months since the documents were requested, and after multiple rounds of letters, Plaintiff eventually accessed the computer and produced responsive documents collected from it. (See Dkts. 369, 373.)

The Court finds that monetary sanctions are appropriate for the otherwise unnecessary letter motion writing precipitated by Plaintiff’s cursory “I forgot the password” excuse. At the same time, portions of Williams’ letters are either incorrect, highly exaggerated, or meritless. For instance, that Plaintiff produced a small fraction of material

from over 5 gigabytes of information on the computer is meaningless since there is no indication or evidence that the computer did not have any material on it other than material responsive to requests in this case. (See Dkt. 373.) As another example, the Court finds no basis to require Plaintiff to provide a “data mining” and “code-cracking” report. (See Dkt. 368, 370.) Similarly, Williams makes far more than is warranted of Plaintiff’s use of the term “encrypted” in reference to password protection. (See Dkt. 370.) Additionally, Williams precipitously filed correspondence with the Court without first meeting and conferring with Plaintiff. (See Dkt. 371.)

Accordingly, the Court orders Plaintiffs to pay 50% of the reasonable fees and costs Williams incurred in authoring Dkt. 280, 337, 368, 370, 371, and 373. Williams shall first provide to Plaintiffs, and filed with this Court, a letter with billable record substantiation and documentation for the time (and rate) for which Williams seeks recompense.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: September 30, 2024
New York, New York

Copies transmitted this date to all counsel of record.